

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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sale of an additional parcel of public reserved lands on a small island in West Richardson Pond, and provides a description of the parcel and corrects the number of lessees as described in chapter 56;

3. Amends Resolve 2015, chapter 29, which authorizes the director to partition and consolidate common and undivided interests in lands in Township 10, Range 4 WELS and Township 13, Range 5 WELS, to remove language in the bill allowing the director to reconfigure tracts and or reconfigure the parcels to be conveyed and allowing the director to acquire interests managed by Prentiss and Carlisle Management Company in Township 11, Range 4 WELS E/2; and

4. Requires the bureau to report to the joint standing committee of the Legislature having jurisdiction over nonreserved public lands and public reserved lands matters on the amount of funds in the public nonreserved lands acquisition fund and the Public Reserved Lands Acquisition Fund by county, including the funds received pursuant to transactions authorized by this public law.

**LD 1809**

**An Act To Amend the Laws Governing the Issuance of Burn Permits**

**PUBLIC 449  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T HANLEY J	OTP-AM	S-417 S-517 HAMPER J

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software purchased from a private party to issue a permit to burn, if issuance of the permit using the burn permit software meets certain statutory requirements. The bill provides that a person may not be charged a fee for a permit to burn issued using the burn permit software and that a person may apply for a permit to burn using the burn permit software or as otherwise provided in law. The bill requires the director to approve burn permit software within 10 days after a town forest fire warden or deputy submits a request for review to the director if the burn permit software meets the requirements for approval. The bill authorizes the director to adopt major substantive rules relating to burn permit software requirements.

**Committee Amendment "A" (S-417)**

This amendment does the following:

1. Allows a person who is issued a burn permit electronically to produce the permit on an electronic device;
2. Removes the \$7 fee for applying for a burn permit electronically using the system developed by the State to issue burn permits;
3. Requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software acquired from a private party to issue a permit to burn if issuance of the permit using the private party burn permit software meets certain statutory requirements;
4. Limits the number of private party burn permit software programs that may be approved and in operation in the State to two private systems. To be approved, the vendor or owner of the private party burn permit software must submit a request for review to the director. The director must approve or deny approval of the software within 10 business days. If the director denies approval of the software, the director must notify the vendor or owner of the reasons why in writing;
5. Establishes that a person who uses private party burn permit software to apply for a permit to burn may not be

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charged a fee, and that a vendor or owner of a private party burn permit software may not charge a municipality for use of that software; and

6. Establishes that a person may not be required to apply for a permit to burn using private party burn permit software, but may apply as otherwise provided by law.

The amendment also adds an emergency preamble and an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-517)**

This amendment restores the provision that requires a person to pay a \$7 fee when that person applies for and is issued a permit electronically using the system developed by the State to issue burn permits.

**Enacted Law Summary**

Public Law 2017, chapter 449 does the following:

1. Allows a person who is issued a burn permit electronically to produce the permit on an electronic device;
2. Requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software acquired from a private party to issue a permit to burn if issuance of the permit using the private party burn permit software meets certain statutory requirements;
3. Limits the number of private party burn permit software programs that may be approved and in operation in the State to two private systems. To be approved, the vendor or owner of the private party burn permit software must submit a request for review to the director. The director must approve or deny approval of the software within 10 business days. If the director denies approval of the software, the director must notify the vendor or owner of the reasons why in writing;
4. Establishes that a person who uses private party burn permit software to apply for a permit to burn may not be charged a fee, and that a vendor or owner of a private party burn permit software may not charge a municipality for use of that software; and
5. Establishes that a person may not be required to apply for a permit to burn using private party burn permit software, but may apply as otherwise provided by law.

Public Law 2017, chapter 449 was enacted as an emergency measure effective July 9, 2018.

<b>LD 1839</b>	<b>An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	ONTP	

This bill changes the interest rate on loans made through the Potato Marketing Improvement Fund from a fixed rate of 5% to the federal prime rate at the time of loan closing or up to a maximum of 5%.